

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KEITH ALAN LASKO,

Plaintiffs,

vs.

AMERICAN BOARD OF SURGERY, et al.,

Defendants.

2:13-cv-01893-JAD-NJK

ORDER

Before the Court is *pro se* Plaintiff Keith Alan Lasko's Motion for Discovery with Interrogatories and Request for Documents, Docket No. 108.¹

I. DISCUSSION

A party "may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(a)(1)(B), or when authorized by these rules, by stipulation, or by court order." Fed. R. Civ. P. 26(d); *see also, e.g., First Option Mortg. LLC v. Tabbert*, 2012 WL 1669430, at *1 (D. Nev. May 11, 2012). Upon a showing of good cause, a court may permit expedited discovery before the Rule 26(f) conference. *Id.* Good cause exists "where the need for expedited discovery, in consideration for the administration of justice, outweighs the prejudice to the responding party." *Id.* (*quoting American LegalNet, Inc. v. Davis*, 673 F. Supp.2d 1063, 1066 (C.D. Cal. 2009)).

¹

Assuming discovery is authorized to commence, the Federal Rules of Civil Procedure do not require litigants to file Motions with the Court to issue interrogatories or requests for production. *See* Fed. R. Civ. P. 33, 34.

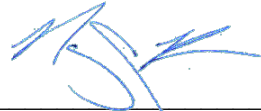
1 There is no record of the parties having conferred as required by Rule 26(f). Plaintiff,
2 therefore, may not seek discovery from any source.² Moreover, Plaintiff's Motion fails to set
3 forth any reason, much less good cause, for the Court to order discovery before the Rule 26(f)
4 conference. Absent any stipulation between the parties allowing for discovery, the Court must
5 accordingly deny Plaintiff's Motion to seek discovery at this juncture.

6 **II. CONCLUSION**

7 Based on the foregoing, and good cause appearing therefore,
8 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Discovery with Interrogatories
9 and Request for Documents is **DENIED**.

10 **IT IS FURTHER ORDERED** that the parties must submit either a joint proposed
11 discovery plan and scheduling order in compliance with the Local and Federal Rules, or a request
12 to stay discovery, citing the proper standards, no later than May 12, 2014.

13 DATED: April 30, 2014.

14 

15 _____
16 NANCY J. KOPPE
17 United States Magistrate Judge

18
19
20
21
22
23
24
25
26

27 ²

28 The Court liberally construes Lasko's claims. *See Bernhardt v. Los Angeles Cnty.*, 339 F.3d 920, 925 (9th Cir. 2003) (acknowledging that courts must construe *pro se* motions and pleadings liberally). Nevertheless, "*Pro se* litigants must follow the same rules of procedure that govern other litigants." *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1986).